

Taxpayers' Rights Advocate Office

Our Taxpayers' Rights Advocate Office helps taxpayers who have not been able to resolve a matter through routine channels, who want information about procedures related to a particular situation, or when there appears to be a violation of their rights. You may call the office toll-free at 888-324-2798 or contact them at www.boe.ca.gov/info/emailtra.htm. The office will independently investigate your issue and respond.

For more information . . .

Investigations Division

State Board of Equalization

PO Box 942879

Sacramento, CA 94279-0042

Call: 916-324-0105

FAX: 916-324-1578

Website

www.boe.ca.gov

Taxpayer Information Section

800-400-7115 (toll-free)

TTY/TDD: 800-735-2929

Operating Without a Valid Seller's Permit— Criminal Citation

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The Board of Equalization (BOE) has found you in violation of the Sales and Use Tax Law by operating a business either without a seller's permit or with a revoked permit—a misdemeanor violation of Revenue and Taxation Code section 6071.

Over the last several months, the BOE's district office has made numerous attempts to have you secure a seller's permit or clear the cause of your revoked permit. Because you have not complied with these requests, the district has referred your case to our Investigations Division for criminal citation and prosecution.

Why have I come to your business today?

As an Investigator in the Investigations Division, I am meeting with you today to give you a final opportunity to acquire and maintain an active seller's permit from the State Board of Equalization prior to citation. I will:

- show you my identification and badge, and give you my business card;
- inform you of the reason for my visit;
- explain the consequences of failing to comply with the law; and
- advise you that you are being given five (5) business days from today to acquire a seller's permit or clear the revoked status of your existing permit; otherwise, I will return to issue you a criminal citation for prosecution.

What is a criminal citation?

A criminal citation is a Notice to Appear in court for the commission of a criminal misdemeanor violation. Criminal citations are prosecuted by the district attorney's office and require violators to appear in court on the date and time specified on the citation. Failure to appear in court on the date designated may result in the issuance of a bench warrant by the court.

What can I do to avoid a citation?

You are currently in violation of California law. To avoid criminal citation and prosecution, you should immediately contact your local BOE office to secure your seller's permit or clear the cause of your revoked permit. If this is not completed within five business days from today's date, I will issue you a citation.

District office staff will work with you to resolve any issues related to your permit to bring you into compliance with the law. To locate your local BOE office, go online at www.boe.ca.gov or contact our Taxpayer Information Section at 800-400-7115.

What happens if I don't get my permit?

After the minimum five-day grace period, if you have not acquired a seller's permit or cleared the revoked status of your account, as confirmed by the district office, I will:

- issue you a criminal citation, for operating

without a permit or while in revoked status, as appropriate;

- inform you of the date you are to appear in court; and
- answer any related questions you may have.

What happens after I'm issued a citation?

- You must appear in court on the date and time indicated on the citation.
- The court may send you a courtesy notice of hearing. (If you do not appear, the court may issue a bench warrant for your arrest.)
- Your case will be heard before a judge.
- At the discretion of the court, you may be fined up to \$5,000 and/or sentenced to time in jail, not to exceed one year.
- The district attorney's office could seek to impose additional penalties pursuant to the Unfair Business Practices Act (Chapter 4, Business & Professions Code).
- In addition to any fines or penalties imposed by the court, you remain liable for payment of any taxes, interest, and/or penalties assessed by the BOE.

NOTE: Even if you are issued a criminal citation, it is to your benefit to make every effort to acquire or reinstate your California seller's permit, pending your court hearing.

For more information regarding the citation process, you may contact the Investigations Division at 916-324-0105.